

THE
G R O A N S
OF THE
OPPRESSED;
OR,
R E A S O N S
FOR

Reviving, Extending and Perpetuating
the late LAW for preventing *Frivo-
lous and Vexatious Arrests, &c.*

For limiting the Jurisdiction of the *Marshal's Court*,
and for Establishing a General COURT of CON-
SCIENCE, all over the Kingdom, as in the City
of *London*; with some REMARKS on the un-
generous *Motives* that are suggested to have
induced certain GREAT MEN to *Wink* at the
Expiration of that Salutory and Necessary LAW.

In a LETTER to a very YOUNG MEMBER
of the present PARLIAMENT.

L O N D O N:

Printed for M. COOPER, at the *Globe* in *Pater-
Noster-Row*, 1748.

[Price Six Pence.]

S
UK
993
GRO

G. R. O. A. N.

AUG 14 1931

8/14/31

98610152

OPPOSED, &c.

IF you would retain your Integrity and keep untainted, as your Constituents supposed you to have been when they chose you for their *Trustee*, let it be your Care to avoid all *Connexions* that shall have the least Tendency to altering that Purity of Intention which you brought with you into Parliament. You are got on slippery Ground, where you will find it extremely difficult to maintain your footing, unless you keep those old *M——l Practisers* at Arms length, who are stationed to apply to all the Passions and youthful Weaknesses of young Legislators.

These C——t Sycophants assume a thousand various Shapes, in order to viciate and corrupt the youthful Heart their Employers

have a Design upon. If the young Law-maker have a turn to Pleasure, he shall be kept imperceptibly in a continual Round of Amusements; if to Applause, he shall be hourly flattered and praised; if to Ambition, he shall be constantly entertained with the Allurements of Power and Employments; if to Vanity, he shall be warmed with the Imagery of Titles, Strings and other tinsel Ensigns of Honour: And if he have a Bias to Wealth, a Pension is a Bait always thrown out, and seldom without Success, Avarice being a Passion which sooner weakens the Props that support a virtuous Mind than any other incident to Man.

To keep yourself therefore clear of the Wiles of such Seducers, you must keep the Tempter at a Distance. You must not hold parley with those Serpents of the C——, ever remembering, that the Woman that deliberates is lost, and that what happened to *Eve* might have happened to *Adam*, if he had listen'd to the oily Persuasion of the Deluder's Tongue, as she did;

But of all Preservatives against the Infection of these M—— Jobbers, a *Consciousness of the Trust assumed*, is the best and surest, it being morally impossible that

a Trustee for ten Millions of People would spontaneously warp from the Duty he owed to so many innocent Persons, if he were sensible of the Nature and Extent of that Duty. It should be always called to Mind, by the Representative of a Community, that Guilt multiplies in Proportion to the Damage done and the Injury received. To strip one Man of his Property is not so criminal as to strip a Multitude, nor to imprison one Man so nefarious as to deprive a whole People of Liberty. But in regard to a corrupt Member of the Legislature, there is this further Aggravation or Multiplication of his Guilt, that he not only wrongs and injures Millions, but Millions too that had generously trusted him with Power over their Lives and Fortunes. Ungrateful, inglorious Breach of Trust! which, let me repeat it again, I should think impossible for a rational Being to commit willingly, if he were thoroughly sensible of the Nature and Importance of the Trust accepted.

For this Reason, Sir, I am willing to hope you have brought with you, to St. Stephen's, that *steady Attention* to the high Trust you have assumed, and the very great
Confidence

Confidence reposed in you, which you will find to be your best Antidote against the poisonous Allurements of *M—rs* and their *Jackalls*.

Need I tell you, that the Trust you assumed renders you accountable for all that shall happen to the Detriment of the Community, either during the Existence of your Power, or afterwards, if your Conduct in Parliament any way contribute to the Damage? If you don't oppose raising more Money than is purely necessary for answering the real and honest Purposes of the State, you are a Confederate and consequently answerable for the *P—d—r*. If you don't oppose the passing all Laws, that tend to abridge the Liberties of the Subject, and if you don't promote the Repeal of all such as bear hard upon him, and the Continuance of such as guard him against the Malice and Resentment of the flagitious and obdurate of Heart; If you should not, I say, promote the Welfare of your Constituents, in all Lights and Shapes, and avert all Evils from them; as far as in you lies, you swerve from the Duty you owe to them and to your self, and are Capitally guilty of that Black Sin, which, as has been said before,

before, multiplies in proportion to the Damage done.

Consider, that the Happiness or Misery, not of a few but of existing Millions and of many more Millions, as yet unborn, depend on your Discharge of the high Trust reposed in you by your Country. 'Tis true, you are but one in five hundred and odd, but if every Individual in the late H— of C—s had only weighed the Importance of the *Trust assumed*, as I hope you have, I should have had no Occasion for my present Address to you in Favour of thousands of our unhappy Countrymen, who are rendered Miserable for the want of that *Attention* to the *Trust assumed*, which I so earnestly recommend to you.

About twenty Years ago there arose a Spirit in our youthful Representatives in Parliament, which, if it had not been dampt by the Phlegm of some and Corruption of others, might have gone far towards securing the Subject against his worst Enemies the Rags and Harpies of the Law. And to the honour of one young Gentleman be it said, the Glorious Spirit first went forth from him. Nor will it be forgot in after Ages, that Mr. O—g—e was the Promoter

motor of those Regulations that bind up the Hands of those Lawless Tyrants that exercised, till then, the utmost Cruelties on the Wretches in their Custody.

In those Days, among some other good Laws which our youthful Patriots had the good fortune to procure, one was an *Act for preventing Frivolous and Vexatious Arrests, &c.* This Law was in its nature so obviously reasonable and necessary, that 'tis not more a wonder why it should not be made perpetual when it was thought of, than why it was not thought of some Ages sooner. But both evidently shew, to our Reproach, that the Body of the Law among us, has, and always has had, more Influence in the Nation than is consistent with Freedom or Happiness.

The Expediency of such a Law, among a People that boast of Liberty, could not but have been perceived by our Ancestors, yet it never had been attempted: And its Benefits could not but have been seen when it was attempted, yet it was not made perpetual. What can we impute such Oversights to? To what shall we ascribe a Neglect so injurious to the Community, but to the too great Influence of *Lawyers*, who, for Ages,

Ages, had interest enough to obtrude a Jargon of their own on the People, whom they deceived and fleeced?

What Reason could be urged against the Perpetuity of a Law that fenced an honest Man in from the Malice or Resentment of an envious or angry Neighbour? There could be no plausible Argument against making that wholefom, necessary Law perpetual; there was none of either Colour or Weight. Yet such was the Influence of one old Law-shark in the House, that Spight of Reason, Argument and Charity, the Law was made temporary; in hopes, I suppose, as it lately happened, that some lucky Chance might intervene to let it expire for the Benefit of the Profession.

This Chance did intervene as was foreseen; for that salutary Law expired with the late Parliament, tho' a Committee sate, or pretended to sit, to inspect such Laws as were near expiring. If the Committee did not really perceive that the Law would expire with that Parliament, their Neglect was unpardonable, and if they did and winked at the Expiration, in *Obedience* or Compliment to any Man or Set of Men whatever,

B

they

they ought to be held execrable in the Eyes of all *Englistmen* for Ever.

There has been a Suggestion, whispered abroad, in regard to that Law, which if founded on Truth, would reflect no small share of Dishonour, nay of Infamy, as well on the Committee, as those they took their Orders from. A new premature Parliament was to be called, and it might be judged necessary to strengthen the Hands of Power, in the time of a general Election, by taking from the Subject that Bulwark which guarded him against Pique and Resentment. We are no Strangers to the Arts and Policies of *M——rs* and *C——ers*, nor to what dangerous lengths they will drive their Schemes to support their own Power. But shall Men *assuming a Trust*, reposed in them for the Benefit of Millions, obey the powerful and flagitious Inviolation of that sacred Trust?

Another Suggestion, no less injurious to the Fame of the impious Contrivers, if true, is, that the Expiration of the Law was purposely connived at, that the Army might be the sooner and cheaper recruited, and the Navy mann'd, by taking from the common People that Barrier of their Freedom, and
thereby

thereby forcing them to fly from their helpless Families and into the Service, for the Security of their Persons --- surely, if there be a chosen Curse in the Stores of Heaven for the eminently wicked, it will reach them who deal out additional Misery to those who are already real Objects of Pity and Compassion.

A third Reason has been insinuated for winking at the Expiration of that good Law, which, if genuine, would shew *M---rs* to be a more abandoned Generation than I am willing to believe them, tho' I own to have met with but very few Instances of patrial Virtue in the Servants of the *C---n*, since I have known the World. Our Expences the late Campaign, on the Continent, where so little was done, proving more excessive than it had been conceived when the Current Service was provided for, it might have been thought proper to contrive the raising some additional Sum imperceptibly, without waking the Attention of the Publick, for defraying that unexpected Surplus Expence. And how could this Money be so aptly and so unperceivably raised as by creating an Addition to the *Stamp Duties*? This Purpose then could not better be answered than by the Discontinuance of a Law that prevented

a Multiplicity of Arrests and Law Suits, than which, nothing could more probably swell the Duties on Writs, Bail-Bonds and other written Instruments used by the dextrous Artificers of the Law.

I won't take upon me to answer that all or any of these Suggestions are or are not warrantable; but think there is too much room for suspecting that the Interest of the Publick was not so much heeded to, as it ought, in the Instance before us. If the Law expired without being perceived, how neglectful were our late Representatives! and if they were *awed* to let it Expire, for the Reasons suggested, how infamous the Actors and Contrivers! I wish some Court Pen would clear up the Point to the Satisfaction of the Publick, if that can be done keeping to Truth; for at present it appears dark and mysterious, and in no Light advantageous to either the late Guardians and present great Servants of the People.

But I don't know how it comes to pass, we are often much more wretchedly served by those bound to look to our Interest and Welfare, than other Nations, where we vainly suppose there are no Traces of Liberty to be met with. If any restraining, coercive

give Law be past, we are sure it becomes perpetual. If any new Power be vested in the Crown or Ministry, we are sure it won't be revoked, tho' the Cause ceased for which it had been granted. For Instance, the *Septennial* Act. If any Law be projected for the Encouragement, Ease or Security of the People, we are morally sure it will be rendered so lame and limping, that Lawyers and M——rs will soon overtake it, and prevent its operating according to the Intention of the Patriot Projector.

This was the Case as to the Law so shamefully permitted to expire. It was a good Law as it stood; and therefore it was Pity it was not made to stand for ever: But it might have been more salutary as it was intended by the first virtuous youthful Promoter of it. It was intended, no doubt, that *special Bail* should not be required but upon Actions brought for a Sum exceeding *Ten Pounds*. Yet such was the Weight of a Ministerial Interest in Favour of one or two Gentlemen, or the Influence of Lawyers, who would have a constant Gap open, even to the Insects of the Profession, that this necessary Clause in the Act, was either actually explain'd away by the Words of the
Law

Law itself, or by the learned Expounders of it, so as to confine it to Actions brought in the Courts of *Westminster-Hall* only.

I have not the Act by me, and therefore shall not here attempt a Comment upon the Words of it. But, am sure, I don't mistake as to the Practice. I am certain, that all the time that good Law was in Force, Bail was exacted and given in all Actions brought in the *Marshal's-Court*, for any Sum exceeding *Forty* Shillings. Thus were the Inhabitants, within ten Miles of his Majesty's usual Place of Residence, partly secured against the ravenous Wolves of the Law, the (*Sheriff's Men*) and left a Prey to the gnawing Rats of the Profession, the *Marshal's Men*.

But why, or upon what Principle, could the Law be elogg'd with so unequal, unmeaning an Exception, if there be any such in the Act? And if there be not, upon what Principle could the furr'd Sages of the Profession have explain'd, so injuriously and wrongfully, a Law calculated for the general Security of the Subject? Again, why were the Inhabitants of this great Metropolis rendered more wretched than all the rest of the Nation? Here, where the Industrious stand more in need of legal Protection than

in any other Part of the Kingdom, as we swarm with the *Locusts* of the Law; how, I say, were the whole Body of our common Artisans, the usefulest Part of the People, allowed to be wrong'd by the Legions under the Command of the *Knight Marshal*.

If that worthy Gentleman's superior Services, or those of his Deputy, the *Judge* of his Court, should require Acknowledgement, in the Name of God! let them have what Part of the Secret-Service Money they deserve; let them, in short, have Pensions, and Ribbands, and Titles too, if they require them; but let not the Bulk of our People, in and about this great Town, be left at the Mercy of those that are unacquainted with Mercy, for the Sake of swelling the Employments of two Persons, that would have perhaps more, if their Employments should be pared, by taking away the noxious Privilege I am complaining of, than was intended by the Constitution.

Upon the whole, Sir, the Exception or Construction of that Law, in Favour of the *Marshal's-Court*, was unwarranted by either Reason or Justice; it was signally injurious to the Subjects in and near this Capital of our Island; and let me add, it was an Encouragement

ment to the Wicked, a Wrong to the Innocent, and a tacit Reproach to those in Power, who might and ought to have remedied the gross Evil as soon as felt or complained of. Therefore then may we hope, that when the Revival of that Law comes under the Consideration of your House, you will exert yourself in the rendring it as useful as may be. You will endeavour to prune the Bill of all such Excessencies and ease it of all such Cloggs as choke up and prevent the intended Operations of a Law.

I expected indeed, before now, that a Bill for the Revival of that good Law would be brought into your House, and I will suppose, for the Honour of the Youth of your House, whereof there is more than has been ever known in Parliament before, that such a Bill will be framed there to the utmost Perfection. But, Sir, allow me to suggest to you a few Considerations, which, I think, would not be improper for your Reflection, while publick Bills are making their way thro' your House.

All general Laws are, or ought to be designed for the Good of the whole Community; but if they be partially clogg'd with unnecessary Restraints and Exceptions, they

they cease to be what they ought and were intended to be. Therefore it should be the Care of a Legillator to see that no such partial Clauses slip into a Bill, in Favour of some one or a few Men highly related, or to answer some Ministerial Purpose. An Instance of this we have in the Law lately expired. It was intended for the Ease and Security of the People in general, yet to favour a few Men well allyed, or for some other worse Purpose, the Restrictions in the Bill or the Constructions upon the Law, took from the Inhabitants of this Capital and the adjacent Country, all the Security and Benefit intended by the Law, and actually accruing to all the rest of the Nation.

And what has been the Consequence of this Partiality to the *Marshal's-Court*? Why, that ten Thousand industrious Families, and those, in and about this Town, were Beggar'd, become a Burden to the Publick and useless to the Community, by the Operation of that Law, while in Force, in Favour of that inferior Judicature. But worse Consequence, if that can be, has attended the Neglect of reviving the Law since the Dissolution of the late Parliament. For tho' it was not taken Notice of, till within a very

C

few

few Months, that the Law had expired with the Parliament, which is wonderful, considering the Industry of the Leeches of the Law, our Jails are crowded already with unhappy Artisans, fallen the Victims to Pique, Resentment, Wrath, Envy, Extortion or Avarice.

But it is not the Jails hereabouts alone that are lately filled with the Miserable, those of the whole Kingdom are no less crowded in Proportion to the Number of Inhabitants. And what wonder, in so Corrupt, Immoral an Age as the present, that Multitudes should suffer, when there are such Numbers who wish for nothing more ardently than an Opportunity of wreaking their Malice on their Neighbour with Impunity.

The Intent of that Law was to prevent Oppression, yet by its Imperfection while in Force on one Hand, and its Expiration on the other, it has been productive of infinite Oppression; and that for want of due regard to the Importance of the *Trust assumed* by the Representatives of the People.

Let not, Sir, your Principals have any thing like this to upbraid you with, while you are in Parliament. Consult their Interests and Security as you would your own.

Let

Let not the Smiles of the Great allure you from the Duties of the high Trust you have assumed, nor their Frowns Awe you into any base Compliance, injurious to those that have honoured you with their Confidence. When Laws are proposed of a publick Nature, take the Thoughts of those without Doors as well as those within; and weigh maturely, in your own Mind, the Benefits and Injuries that might be supposed to accrue from the passing such a Law. If you deem it of publick Benefit and Utility, be strenuous to promote it; but be as earnest to obstruct it, should you think it injurious to the Community. In short, you are stationed one of the *Watchmen* of the People, and therefore should be always upon your Guard, that nothing is done to the Prejudice of those that have implicitly and generously committed themselves to your Care. And never forget that you are not only the *Watchman* of the Inhabitants of the County alone, who have chose you, but of the whole Nation.

I have known many excellent Bills drop in your House, by the Inattention of Gentlemen to the nature of the Trust they had assumed. Why has not the Law for the

Registry of Deeds, &c. been made general? Why confined to *Yorkshire* and *Middlesex*? Because many have had an Eye, more to the particular Borough or County they were chosen for, than to the Nation in general. I could bring a thousand other Instances to prove the Narrowness of thinking of former Parliament Men. But I will hope, that the Crowd of youthful Members in the present *P——t*, will have convinced the World, that each of them looks upon himself as the Representative of all the People collectively.

In this genuine and laudable Light, Sir, you will consider the Law for preventing *Frivolous and Vexatious Arrests*, should it be thought proper to revive it. But why should it be a Doubt that such a Law will be revived? Can it be supposed, that the Guardians of the People will not revive, and even, amend and extend a Law that shelters the Poor and Innocent from the Rich, Obdurate and Merciless? Not doubting then that you will soon have that Law under your Consideration, permit me to lay before you, what occurs to me in order to render it more compleat and perfect, and more useful to the Community in general, than heretofore.

I think, I may hope, that what has been said, relative the Exemptions in Favour of the *Marshal's-Court*, will be taken into Consideration, and be the Means of rendering the future Law more universally beneficial than the last. The Exemption in the late Bill was so monstrously absurd, not to say unconscionable, that I should think it impossible for Gentlemen to mistake the Point and commit the like injurious Error for the Time to come. Surely, the Inhabitants of the Metropolis and the adjacent Parts, have an equal Right to Protection, with the rest of their Fellow-Subjects?

In the next Place, I should hope it will be no Doubt with Gentlemen, that such a Law ought to be made perpetual. And in order to their judging as we do without Doors, of the Necessity of the Perpetuity I contend for, I would intreat they would reflect on the dire Consequences of the Inattention, in this Respect, of the Makers of that late Law. Our Jails are full, as I told you already, from the Shackles being dropt from the Hands of the rigorous and malicious. But what are most of those wretched Objects thus confined for, and therefore secluded from earning a daily Livelihood

lihood for themselves and Families? What are the Debts they owe; and with whom had they contracted those Incumbrances for which they are deprived of Liberty and the Means of subsisting themselves, their Wives and Children?

If you would make it your Business to enquire, and believe me, Sir, the Inquiry would well become one who represents the whole People, you might find that more of those unhappy Objects are confined for Trifles, many for nothing really owing from them, and Numbers thro' Pique and Resentment, Drunken Quarrels, Family Jangles, angry and reproachful Language, an envious Disposition; infine, every thing contributes to fill our Prisons when bad Men are at Liberty to indulge their Spleen and Rancor.

If the Penalties, incurr'd by swearing falsely to a Debt or Demand, were better ascertained in the next Bill than in the last, I should think the Purpose of the Legislature might be better answered. As I am no Lawyer, 'tis possible I may be incorrect, in Point of Phrase, as to the Penalties to be inflicted for rash and false Oaths. But sure I am, that much Iniquity has been committed

committed and very much Guilt contracted by the Penal Clauses in the late Law, not being as strict and ample as they may have been intended.

The cunning Shavers of the Profession are extremely ingenious at finding Crannies in Laws, to creep out at Will. Therefore, you Gentlemen, whom we have chosen for our Trustees, cannot be too watchful in the securing us against these domestic Enemies, who prey on our Vitals and bask in Plenty at our Charge and Expence. See what Fortunes are raised from the Law, see what Multitudes subsist by it. And pray consider, that one single Artisan is of greater real Use to the Community than a thousand inferior Limbs of the Law. Monsieur *Colbert* says, I think in his political Testament, that the Law was a heavier Burden in *France*, in his Time, than all the Taxes put together. Heavens! what would that great Statesman, if living, say, was he to know the legal Load we poor *Englishmen* bear and groan under at present? Not but that I think Lawyers of Use in a State; and therefore I honour and esteem such of them as look upon themselves to be a Part of that Whole, whose Happiness should

should be the Object of the Attention of each Individual of the Community. But, I despise the Lawyer, whose Views are contracted within the mean, selfish, narrow Circle of his own Family. There may be worthy Members of the Profession; I hope there are. But as the unworthy, very probably, exceed them in Number, I conceive it would be eligible to shut them out more effectually in penning the next Act, than they were by the late Law.

To secure the Quiet and Property of Creditors, I should be of Opinion, that all Debts under *Ten Pounds*, should be cognizable in a Court of *Conscience*, to be erected in every Parish of the Kingdom, or other proper Precincts, whereof the Vicar, Rector or Curate, should be always one of the Judges. It may be supposed that a Clergyman, if he minds the Business of his Function, is a proper and competent Judge of the Circumstances of his Parishioners, which in these sort of Judicatures, should be the principal Object in the Determinations of the Court.

If the Citizens of *London* have found the Benefit of this sort of Judicature, and that they have is well known and own'd; why should not the rest of the Subjects be permitted

mitted to share in their Happiness? And if the Extention of the Power of that very useful Court, from *Forty Shillings* to *Five Pounds*, which I think to be the Limitation in a late Law, be found of Utility to the Industrious of the City of *London*, I should think it well worthy the Reflection of Gentlemen, whether the Extension should not reach up to the Sum for which special Bail must be given, which is *Ten Pounds*?

I see no Inconveniency that can attend, either the Extension contended for, or the Establishment of such a Judicature every where else as well as in *London*. The Lawyers, who are concern'd in no Branch of Trade, but one, without which the Nation might very well subsist and grow rich, great and powerful; they, I say, may oppose such a Bill, and particularly such an Extension, as breaking in upon their System of fomenting Fewds among Tradesmen and sucking them dry under a Pretence of procuring them Justice; but am persuaded all the rest of the Community will approve of the Regulation and think it conducive to the Ease and Happiness of the Nation.

The Law is a very useful Weapon in honest Hands, but infinitely noxious in the

D

Hands

Hands of Villains. It may be compared to those Elements, without which there is no existing when kept within due Bounds, but which, if not circumscribed, inundate whole Countries and lay waste whole Cities. As Fire and Water then are only useful in Life when kept within proper Limits, so may we say, that Lawyers are only useful to the Community so long as the Power of hurting is taken from them. Therefore, Sir, if you would approve yourself the true Representative of a trading Nation, be it your Care, your Study to fence in the Industrious from the Legions that watch to break in upon and devour them.

As the Maxims of sound Policy are plain and few in Number, and would remain always such, if Statesmen would pay Attention only to the Good of the whole Community, so are the Duties of a Legislator few and easy when he has no Object in View but the general Good of his Constituents. Tho' the Trust assumed by a Member of Parliament be very great, the whole People reposing a Confidence in him, yet the Duty is not hard to discharge if he looks upon himself as obliged to discharge it with Honour. A proper Attention to every Motion made and to every
Bill

Bill brought into the House and the Debates on them, will render any Man of moderate Capacity Master of the Question. But it is now that he is to confirm himself faithful to the Trust assumed; let him shew his Fidelity, than which nothing is easier, to a Man that sets out on the Principles of Virtue. Surely, there is nothing more easy than for a Man to be honest; and without Doubt, nothing is more necessary than *Honesty* in the Composition of a Trustee for Millions.

The Act under our present Consideration, as it was salutary to the Majority of the People, ought to have been perpetual. But was it owing to that *Honesty* I have been recommending in a Legislator, that it was not, or that it was not revived the last Session of P——t? Would not one wonder, why an Act should not be made perpetual, that obliged Creditors to swear to their lawful Debts when they sue for them? Should not there be a perpetual Law for preventing litigious Suits by arresting for small Debts? was it not necessary, and will it not be so at all Times, that the Majority of the People, especially such as are most liable to Oppression, be secured against the Perfidy and Tyranny, of those who, on one Hand, subsist

by blowing up the Fire of Dissention among Tradesmen, and those, on the other, who thro' Envy, Malice, or Pique, would distress their Neighbours?

See how, for want of reviving that Law, have the lower Class of our People suffered since the Expiration of it? All the little Insects of the Law are making Harvest and filling all the Jails in the Kingdom with Artisans and the other most useful Members of the Community? The Detriment is already very great, but it will become excessive if that Act should not be immediately revived. Every little wicked Villain will have it in his Power to Distress, nay to Ruin, whatever Person he bears Envy or Malice to, of low Circumstances: Even Virgin Innocence may fall a Sacrifice to the Lust and Designs of the Base and Villainous.

But, Sir, the reviving that Law, without extending it, will not answer the Purpose of the People, especially in and about this Metropolis. If the Security of our Artisans and the Encouragement of Industry be in View, as it ought, our Poor, within ten Miles of the Royal Residence, will be relieved from the Oppressions of the *Marshal's-Court* and all the Law-gnawing Vermin dependent on it.

it. If the general Good of the People be intended, as we hope it is, a *Court of Conscience* will be established throughout the Kingdom, regulated so as to take Cognizance of all Sums under *Ten Pounds*, that Sum for which special Bail was provided by the late Act.

We shall scarce allow ourselves, to be more savage and cruel than other Nations, and yet we behave with more Inhumanity towards each other, than any People in the World. To what else, but the *Inattention* of our Legislators or the Savageness of our Nation, that our Jails are crowded with the most useful among us? I will venture to say, that there are at all Times, particularly at present, more People confined for Debt in this Metropolis than all over *Europe* besides. Is not this an indelible Reproach to our Nation, in respect to Benevolence and Humanity? Is it not a Reproach to us, in Point of Sense and Understanding, to render so many laborious People as are confined, useless to the Community? Is it infine, any Proof of the Wisdom, Sagacity, Humanity, or other social Virtue of our Legislators?

'Tis strange, and I am sorry, too true, that we ape the *French* in their worst Maxims
and

and Customs, but overlook their wholesom and salutary. 'Tis the same with regard to the *Dutch*, who are apt and proper Paterns to be copied by a trading Nation. In *France* and *Holland* there are no fluctuating Acts of Bankruptcy, on which a Swarm of greedy Lawyers bask and batten. The Laws there, in regard to Bankruptcy, are just and permanent, and executed without Expence and Chicane; wherefore there are so few Bankruptcies in those Countries; and when they happen, the Estate of the Bankrupt is not devoured by the Harpies of the Law.

Nor are there any such Things heard of Abroad, as general Acts of Insolvency, because they are needless, where few are confined for Debt, and where Lawyers are not permitted to inflame, to involve and worry the more useful Members of the Community.

It may be urged, that Credit being not so extensive among Foreigners as among us, is the Reason why Bankruptcies are more frequent in this Kingdom, and our Jails fuller of Debtors. There is no Country in the World where Credit is more extensive among Dealers than in *France*; and one would not wish for more ample Credit than is given in *Holland*. In short, too large Credit has hurt many a Man
that

that might otherwise deal with greater Caution and Care. And, for this Reason, it were to be wished, that there could be some legal Restraint on those who would over hastily get into Coaches at the Expence of others.

But the Fact is quite otherwise. Credit Has no share in the Mischief. Men are not thrown into Jail because they were trusted for four or six Months; but because their Debtors are influenced by Petty-Foggers and Bailiffs who batten on the Fruits of Distraction; because the Law has not sufficiently tied up the Hands of the rotten, noxious Members of the Community; because we are more Savage than other Nations; and lastly, because there is a Want of *Specie* to circulate the prodigious Mass of our *Artificial Credit*.

I fear this Want is like to grow upon us; nor can it be otherwise, considering our Out-goings in Bullion to the Continent, and the Increase of our artificial Credit, which necessarily increases with our *National Debt*. 'Tis therefore the more incumbent upon our Guardians to apply such Remedies as may prevent those ill Effects, which may be reasonably apprehended from an over grown *Artificial Credit* and a Deficiency of proper Means,
that

that is, a sufficient Quantum of Coined Bullion,
to circulate it.

Now, Sir, I beg leave to say, that these
Remedies can only be found in salutary and
equitable Laws, calculated for the Ease,
Security and Encouragement of the Labo-
rious and Industrious. If then that Law I
have been recommending, with the Modi-
fications and Extensions I have taken the
honest Freedom to set before you, should, as
I am convinced it would, be found productive
of the Ends which every Law-maker should
have in View, that is, the Good of the Com-
munity, I may hope you will promote it,
in Justice to those that have chose you for
their Trustee.

Ed. Ed.
8/6/31

I fear this Way is like to grow upon us;
not can it be otherwise, considering our
Out-gings in Bullion to the Continent, and
the Increase of our annual Cash, which
necessarily increases with our National Debt.
It is therefore the more incumbent upon our
Guardians to apply such Remedies as may
prevent those ill effects, which may be re-
sulting from the above mentioned circumstances.
I am, &c.